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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,623	10/10/2001	Allen K. Yu	10011167	8371

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,623

Applicant(s)

YU, ALLEN K.

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the amendment received on 6/18/04. Claims 1, 3-6, and 8-20 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 8, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gobburu et al. (US 6,736,322) (hereinafter referred to as 'Gobburu').

Gobburu teaches a method for electronic ticket recognition and acceptance, comprising the steps of:

facilitating purchasing of an electronic ticket 300 from a networked ticketing computer;
downloading the electronic ticket 300 to a portable computing device having a video display output;

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enabling activation of the electronic ticket by displaying the electronic ticket via the video display output, wherein the electronic ticket is optically communicated to a ticket receiving unit;

displaying the electronic ticket on the video display output in the visual form of the bar code that is optically scannable by a ticket receiving unit (col. 14, lines 11-28);

downloading the electronic ticket to the portable computing device using a wireless communication link (col. 9, lines 38-57);

downloading the electronic ticket to the portable computing device using a wireless modem (col. 9, lines 38-57);

purchasing the electronic ticket from the networked ticketing computer via the Internet; applying security features to the electronic ticket to avoid ticket counterfeiting (col. 21, lines 29-37);

accepting the electronic ticket 300 by optical communication with a ticket receiving unit;

providing amenities to a ticket user based on the accepted ticket (col. 4, lines 54-57);

further comprising the step of downloading the electronic ticket to the portable computing device using a wireless communication link;

further comprising the step of downloading the electronic ticket to the portable computing device using a wireless modem;

further comprising the step of purchasing the electronic ticket from the networked ticket computer via the Internet;

further comprising the step of optically communication the electronic ticket to the ticket receiving unit using an infrared communication link (col. 4, lines 42-54);

further comprising the step of applying security features to the electronic ticket in order to avoid ticket counterfeiting (col. 3, line 66-col. 4, line 13);

wherein the accepting step further comprises the step of activating the electronic ticket by displaying the electronic ticket on the visual display output;

wherein the activating step further comprises the step of activating the electronic ticket via a visual symbol; and

further comprising the step of displaying the electronic ticket on the display output with a bar code that is optically scannable by the ticket receiving unit.

3. Claims 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay (US 6,223,166).

Kay teaches a method for electronic ticket recognition and acceptance for a ticketed event comprising the steps of:

facilitating purchasing of an electronic ticket from a networked ticketing computer (col. 3, lines 26-33);

downloading the electronic ticket to a portable computing device (paper) having a display output (paper surface) (col. 4, lines 29-31);

accepting the electronic ticket by optical communication between the display and a ticket receiving unit (portable scanner/terminal 27);

providing amenities to a ticket user based on the accepted ticket (col. 4, lines 54-57);

activating the electronic ticket by displaying the electronic ticket on the visual display output

wherein the activating step further comprises the step of activating the electronic ticket

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via a visual symbol; and

further comprising the step of displaying the electronic ticket on the display output with a bar code that is optically scannable by the ticket receiving unit.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2-6, and 8-12 have been considered but are moot in view of the new ground(s) of rejection. The newly cited limitations claiming "downloading the electronic ticket to a portable computing device having a **video display output**" and "enabling activation of the electronic ticket by displaying the electronic ticket via the **video display output**" prompted a new search and a new rejection.

5. Applicant's arguments filed 6/18/04 in regards to claims 9-19 have been fully considered but they are not persuasive.

In response to the argument that based on the definition of a portable computing device in the detailed description, it can be seen that the portable computing device is not a piece of paper, the examiner submits that, in accordance with the MPEP, though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment."); *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003). Therefore, since a laptop, tablet computer,

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electronic organizer, Palm Pilot or cell phone is not part of claims 9-20, the portable computing device as claimed is given the broadest reasonable interpretation.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamara A. Franklin
Examiner
Art Unit 2876

JAF
August 28, 2004


KARL D. FRECH
PRIMARY EXAMINER